

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Biennial Regulatory Review -- Amendment )  
of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87 )  
90, 95, 97, and 101 of the Commission's ) WT Docket No. 98-20  
Rules to Facilitate the Development and )  
Use of the Universal Licensing System in )  
the Wireless Telecommunications Services )


To: The Commission

**COMMENTS ON THE NOTICE OF PROPOSED RULEMAKING**

Respectfully submitted,

**AMERICAN MOBILE TELECOMMUNICATIONS  
ASSOCIATION, INC.**

By: \_\_\_\_\_

  
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The American Mobile Telecommunications Association ("AMTA" or "Association"), in accordance with Section 1.415 of the Federal Communications Commission ("FCC" or "Commission") Rules and Regulations, respectfully submits its Comments in the above-entitled proceeding.<sup>1</sup> AMTA supports this further Commission initiative to consolidate and streamline its rules, and welcomes the implementation of the Universal Licensing System ("ULS") which promises to simplify licensing requirements both for the wireless industry and the agency.

## **I. INTRODUCTION.**

1. AMTA is a nationwide, non-profit trade association dedicated to the interests of the specialized wireless communications industry. The Association's members include trunked and conventional 800 MHz and 900 MHz SMR operators, licensees of wide-area SMR systems, and commercial licensees in the 220 MHz and 450-512 MHz bands. These members provide Commercial Mobile Radio Services ("CMRS") and Private Mobile Radio Services ("PMRS") throughout the nation, pursuant to authorizations processed by the Commission's Wireless Telecommunications Bureau. Some of the Association's members are very large companies able to devote considerable resources to managing their FCC licensing and related regulatory obligations. Others are one or two person companies with very limited ability to keep pace with ongoing changes in the FCC's regulatory requirements. Both contribute valuable services to the communities in which they operate and to the economic well being of the nation. AMTA and the Commission must be mindful of the interests and capabilities of this diverse constituency in formulating the licensing procedures and regulatory obligations for the wireless services.

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<sup>1</sup> Notice of Proposed Rulemaking, WT Docket No. 98-20, FCC 98-25 (released March 18, 1998) ("Notice").

## II. DISCUSSION.

### A. THE IMPLEMENTATION OF ULS AND ELECTRONIC FILING MUST BE CONSISTENT WITH THE REASONABLE CAPABILITIES OF THE AFFECTED LICENSEES AND APPLICANTS.

2. One of the Commission's landmark achievements during this decade has been its transformation from an agency woefully under-equipped and under-trained in telecommunications technologies to one in the forefront of technical capabilities. The FCC has essentially leap-frogged from using rotary dial telephones to designing award winning competitive bidding systems. It is to be commended for assuming its rightful place as a national and international leader in these areas.

3. From AMTA's perspective, perhaps the most positive result of this transformation is the vastly improved access to FCC-related information now available to the public. Data that, in the past, would have been obtainable, if at all, only by engaging legal or other assistance able to visit the FCC's offices and review its mountains of paper now is retrievable by anyone, anywhere with the requisite computer capability at relatively minimal cost and almost instantaneously. This should permit parties of unequal size, resources and proximity to the FCC more equivalent access to the information needed to formulate their business decisions, effectively helping to "level the playing field".

4. The Association appreciates that the FCC considers the implementation of ULS as a valuable means of furthering this objective because with ULS the agency will have the ability to accept electronic filing of all wireless radio service forms. In the Commission's words:

...it will provide a single technological platform for information collection from wireless licensees and applicants, eliminating the need for wireless carriers to file duplicative

applications, and increasing the accuracy and reliability of licensing information. Notice at ¶ 3.

AMTA does not dispute this assessment, or doubt that, over time, ULS will become the preferred means for filing information with the Commission. In fact, the Association commends the FCC for the progress it has made already in consolidating its licensing forms and processes. The consolidated applications may be somewhat lengthier than previous, service-specific forms, and therefore more daunting to the uninitiated, but the FCC's easier data entry task and the consistency of the information derived from them and made available to the public are tangible benefits of this approach.

5. Nonetheless, AMTA urges the Commission to proceed at no more than deliberate speed in mandating electronic filing for all services. As the FCC's own experience should make evident, different organizations implement improved computing capabilities according to schedules that are based on myriad inter-related factors. Some are at the front of the technology curve while others devote their resources to other aspects of improving their businesses. This may be true even for companies of equivalent size; it certainly is the case over the universe of Commission licensees and applicants. For example, it is not likely that Lucent Technologies and Listrani's Pizza Delivery have comparable capability to file their applications electronically and the latter should not be required to achieve some predetermined level of expertise for the sole purpose of accommodating the FCC's licensing requirements.

6. A prudently cautious approach to mandatory electronic filing is warranted in light of the complexity of the process. While the Commission has made substantial progress in this area, there are few in the wireless industry that yet would consider the system "user friendly", even among the highly computer literate. Efforts to file electronically do not always proceed

smoothly as the FCC is aware, and the cost of the tools required even to make the effort is not insignificant.

7. The Association is confident that, over time, these problems will be resolved, and that the cost and efficiency advantages of electronic filing will encourage most parties to use that approach. For example, each year more and more taxpayers file electronically with the IRS, not because they are required to do so but because they perceive it as beneficial. The same undoubtedly will be true with FCC filings as the electronic filing process is fine-tuned. However, AMTA anticipates that there always will be some parties, most likely very small businesses, that would elect a manual filing option and the Association is not persuaded that the overall public interest demands that this option be foreclosed. Therefore, AMTA urges the FCC not to adopt its proposed January 1, 1999 deadline, or any other date, for mandatory electronic filing. Instead, the Commission and industry should continue to work together, as they have to this point, to develop an electronic filing system that will be adopted voluntarily by the vast majority of the wireless industry.

**B. THE MAJOR/MINOR LICENSE CHANGE DELINEATION SHOULD BE CLARIFIED.**

8. AMTA supports the FCC's effort to systematize among wireless services which changes to an authorization are considered major versus minor. While it is possible that the unique characteristics of a particular service might require a customized approach, greater consistency in this area across wireless services should improve the information provided to the FCC.

9. However, further clarification of certain items on the lists included in the Notice

will be needed to avoid unnecessary confusion. Notice at ¶¶ 38-9. Specifically, in a few instances, a particular change defined as either major or minor is further specified as applicable only to either CMRS or non-CMRS. For example, under major changes, the Notice states:

- Any request requiring frequency coordination (non-CMRS private land mobile only).

Since both CMRS and non-CMRS systems can include frequencies that are subject to the frequency coordination requirements of Part 90 of the FCC's Rules, it is not clear whether a request requiring coordination, but filed by an entity classified as CMRS, would be considered major or minor. Similarly, the Notice includes under minor changes:

- Any change to a CMRS site where the licensee's interference contours are not extended and co-channel separation criteria are met.

The provision, by its terms, is limited to CMRS sites, despite the fact that PMRS and CMRS licensees share certain bands, such as the 800 MHz General Category channels, and currently are governed by identical provisions regarding modifications of authorized locations within existing contours. It is unclear whether the list in the Notice is intended to modify those rules, or whether the limitation to CMRS was unintentional. AMTA urges the FCC to review these categorizations in light of these comments.

**C. INFLEXIBLE LICENSE RENEWAL REQUIREMENTS MAY BE CONTRARY TO THE PUBLIC INTEREST IN SERVICES WHERE LICENSING IS "FROZEN".**

10. In the Notice, the FCC has tentatively concluded that its existing rules permitting reinstatement of expired PMRS and Fixed Microwave Radio Service licenses for a 30-day period following license expiration should be eliminated. Instead, the Commission proposes that ULS will be used to send renewal notices to all licensees ninety days prior to license expiration. A

failure to submit the renewal before the expiration date would result in automatic license revocation. Notice at ¶¶ 55-6.

11. AMTA does not dispute that the FCC must establish rules that permit the orderly management of its licensing process. Timely renewal of licenses is one important aspect of that process. Nonetheless, the Association recommends retention of the current 30-day reinstatement period for the services identified and extension of the option to CMRS licensees, at least those operating on spectrum where the licensing of new systems is "frozen", including the 800 MHz, 900 MHz, 220 MHz and 929/931 MHz bands.

12. It is one thing to adopt a rigid policy against license reinstatement when the non-renewing party is permitted to file an application to relicense the same system under a new authorization, even if that application is subject to competing requests. The party at least has the opportunity to regain its operating authority. The result is quite different when a licensee who inadvertently misses a renewal date (since no operating entity would intentionally put a license in jeopardy) is barred absolutely from submitting an application to relicense its system. AMTA is not persuaded that the FCC's interest in ensuring a smooth licensing process is outweighed by the public interest in maintaining service from an operational facility. Thus, AMTA recommends that the FCC retain and even expand its license reinstatement provisions, and that it consider on a case-by-case basis requests for reinstatement filed even after that thirty-day period has passed.

### **III. CONCLUSION.**

13. AMTA urges the FCC to adopt final rules in this proceeding consistent with the positions detailed herein.

## CERTIFICATE OF SERVICE

I, Linda J. Evans, a secretary in the law office of Lukas, Nace, Gutierrez & Sachs, hereby certify that I have, on this May 22, 1998, caused to be hand delivered a copy of the foregoing Comments to the following:

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